

REMARKS

Claims 46-54 are hereby amended to depend from an allowable claim and, accordingly, the restriction requirement as set forth in paragraph 5 of the office action is believed to be now moot.

The undersigned wishes to thank the examiner for her time and courtesy in the interview of October 19, 2003 attended by the undersigned and by Mr. Naoyuki Kurauchi, as representatives of the applicant. As indicated by the "Examiner Interview Summary Record" the interview was successful in reaching a conclusion that claims 39-45 and 55-62 "are allowable pending an updated search.

Claims 39-44 & 46-54

Claim 39 is amended to define the rotor of the motor and the lock-up clutch as being axially overlapping. As explained at the interview, this amendment, though after final, should be entered because (1) it was not presented earlier because the reference prompting the amendment was first cited in the final action, (2) it raises no new issue because the substantive feature added to claim 39 is found in previously examined claims 43, 49, 53, 57 and 61 (see the discussion below regarding the rejection of claims) and (3) it serves to place the claim in condition for allowance or, at the minimum, reduce the issues on appeal.

As explained at the interview, claim 43 recites that the lock-up clutch is arranged radially inward of the middle portion of the front cover and claim 42, upon which claim 43 depends, further recites that the rotor is arranged on an outer side of and parallel to the middle portion “with said predetermined gap therebetween.” These limitations of claims 42 and 43, taken together, require that the rotor axially overlap the lockup clutch and, for this reason, the amendments to claim 39 should not be regarded as presenting any new issue. Claim 42 is amended so that the language is not repetitious of claim 39 as amended.

In view of the present amendments to claim 39, the rejection for anticipation by Werner et al, as set forth in paragraph 7 of the office action, is believed to be moot. With respect to claim 39 and claims 40-44 dependent thereon, Werner et al do not show a lockup clutch and if a lockup clutch were to be added it would necessarily be placed within the housing 4 where it could not be axially overlapping with the rotor. Again, compare claims 43, 49, 53, 57 and 61 which were not rejected for anticipation by Werner et al.

Claims 55, 56, 59 and 60

The rejection for anticipation by Werner et al as applied to claims 55, 56, 59 and 60 in paragraph 7 of the office action, is also traversed. Claims 55, 56, 59 and 60 require that the case provide one point of support for the rotor. In contradistinction, in Werner et al the rotor is shown as supported by attachment to crankshaft 1 through bolts 15, with a spline connection

between hub 6 and drive flange 2 (shaft 7) of the hydrodynamic torque converter 5. The casing provides no point of support for the rotor 11. Werner et al nowhere discloses or suggests the rotor be supported by any portion of the housing or “crankcase 12.”

At the interview the examiner referred to the mounting on crankcase 12 as taught at column 2, lines 49-52 of Werner. However, as pointed out by the undersigned, that teaching merely states that the stator windings are fixed to the crankcase and in no way implies that the rotor is also fixed to the crankcase (which would render it inoperative), nor does it in any way suggest that the crankcase furnishes a point of support for the rotor.

Claims 43, 57 and 61

The rejection of claims 43, 57 and 61 for obviousness, as set forth in paragraph 8 of the office action, is respectfully traversed. The rejection is also traversed to the extent that it might be deemed applicable to newly presented claim 39. The examiner relies upon the teachings of Tabata et al for disclosure of a “multi-disc lockup clutch”. However, the rejected claims 43, 57 and 61 require more than mere addition of a lockup clutch to the apparatus of Werner et al. The examiner’s attention is directed to the fact that claim 43 depends from claim 42 which, in turn, depends from claim 40. Reading the limitations of these claims, it should be appreciated that “if said lockup clutch is arranged radially inward of said middle portion of said front cover” (claim 43) and “said rotor is arranged on an outer side of and parallel to said middle portion with

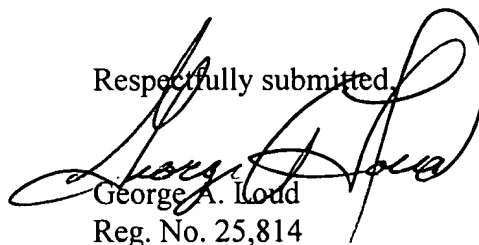
said predetermined gap therebetween”, it necessarily follows that the rotor axially overlaps the lockup clutch. It is easily seen in the drawings of Tabata et al that rotor 32 does not axially overlap the lockup clutch 52 and, moreover, there is no suggestion in the reference that the structure could or should be modified to provide such an axial overlap.

The Rejection of Claims 44, 58 and 62 for Obviousness

The rejection of claims 44, 58 and 62, as set forth in paragraph 9 of the office action, for obviousness over Werner et al is respectfully traversed for the reason that these claims depend from claims allowable over Werner et al for the reasons noted above.

In conclusion, it is respectfully requested that the examiner reconsider the rejections of record with a view toward allowance of the claims as presented here.

Respectfully submitted,



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